

MINUTES OF MEETING OF THE  
BOARD OF DIRECTORS OF  
BEACH EROSION AUTHORITY FOR  
CLEAN OCEANS AND NOURISHMENT (B.E.A.C.O.N.)

April 09, 2004

A meeting of the Board of Directors of Beach Erosion Authority for Clean Oceans and Nourishment ("B.E.A.C.O.N.") was held on Friday, April 09, 2004, at Carpinteria City Hall, Carpinteria, CA. Chair Rose called the meeting to order at 9:00 a.m. The following members were present at roll call:

Susan Rose	Chair, Supervisor, County of Santa Barbara
Naomi Schwartz	Supervisor, County of Santa Barbara
Jon Sharkey	Mayor, City of Port Hueneme
Brian Brennan	Mayor, City of San Buenaventura
Jonny Wallis	Council member, City of Goleta
Michael Ledbetter	Council member, City of Carpinteria
John Flynn	Supervisor, County of Ventura
John Zaragoza	Council member, City of Oxnard
Das Williams	Santa Barbara City Council (arrived during Item 6 discussion)

Consisting of a quorum of eight (8).

Staff, B.E.A.C.O.N. advisors and representatives for legislative officers who were present or spoke were:

Kevin Ready, County Counsel, Senior Deputy  
Chris Webb, Moffat and Nichols  
Carl Triberg, Santa Barbara County Flood Control  
Gerald Comati  
Mercy Griego  
Susie Ming  
Marleen Van Den Heuvel, as secretary

ITEM 1: **Call to order** by Chair Rose; called the meeting to order at 9:00 a.m.

ITEM 2: **Approval of Agenda for April 9, 2004 Meeting and Filing Certificate of Agenda Posting.** Action. A motion was made, by Mayor Jon Sharkey, to approve the April 9, 2004 Agenda and Filing of Certificate. Supervisor Schwartz seconded the motion. The Board voted, and the motion passed unanimously.

ITEM 3: **Consideration and Approval of Minutes for February 13, 2004.** The minutes were just received and will be tabled for approval at the June meeting. Kevin ready stated that all minutes will be posted a week ahead on the website. To save money and natural resources the agenda will be on the website as well. Paper copies will be sent only to key staff and Board Members.

**ITEM 4: Public Comment and Other Reports. Comments from the public on matters not on the agenda.** Chair Rose called for public comment for matters not on the agenda, with no response from members of the audience.

- a. Reports from legislative offices: No public comments.
- b. Boating and Waterways:
- c. Cal Coast
- d. Receive reports on other projects within BEACON jurisdiction:
  - (1) Goleta Beach

Carl Triberg reported that the demonstration project had a surplus of \$155K. The money was used for Flood Control to haul 18000 cubic yards of sand to Goleta Beach from West Beach. Half of the sand that was hauled in was washed away in a giant swell three days after completion of the transport. Yesterday the beach looked great. Will get better during summer. The total cubic yards of sand hauled was 77,000 with 60,000 still on the beach. Moffatt and Nichol will monitor the erosion rate over the next few years.

Susan Rose requested further information regarding the monitoring process of the beach. Chris Webb with Moffatt and Nichol reported the process. He stated that beach profiles, sediment monitoring, biology monitoring (kelp reefs, eel grass and habitats) took place. The next monitoring will occur in May. There are several phases of study; prior, during for turbidity, at completion, 90 days after completion, in May 2004, the fall and then May of 2005.

Chris asked where the sand went during the storm. Supposition is that the sand went down the coast, offshore and will move onshore and up coast.

Susan Rose stated that she has a working group to formulate recommendations for Goleta Beach. The last meeting will be the end of April. We will bring a report to the Board of Supervisors.

Kevin Ready offered kudos for Carl on this project. He was very organized and all departments involved were cooperative, efficient and organized. Brian Brennan offered reiteration of a cost effective and successful project completion. No complaints were recorded regarding truck traffic.

#### (2) Other Projects

**ITEM 5: Executive Director Transition and Responsibilities.** Action. Executive director transitioning. Susan Rose reported that two meetings have taken place since the last BEACON meeting regarding this transition. Kevin Ready reported the results. Due to County Counsel budget changes require that management responsibility be withdrawn. Kevin would function strictly as counsel. The option approved at last meeting was that a BEACON board member would take over the executive management position. Staff responsibilities will be shared among various member agencies. City Engineers Office of Ventura prepared staff report compilation and the agenda. Carl put everything on the website. Various staff reports were generated by other agencies. We need to have this solution approved by the Board. Files management still needs to be addressed. Proposal:

Gerald Comati explained the organizational chart of duties to be shared on the BEACON Board's behalf.

- 1) Brian Brennan (pro bono) responsible for leadership (e-mail and phone calls also)
- 2) Rick Reeves, City of Ventura, managing the agenda and clerical support
- 3) Carl Triberg will manage website maintenance
- 4) Minutes are still an unknown.
- 5) Legal counsel is Kevin Ready
- 6) Gerald Comati as program manager will divide projects into new and ongoing projects
- 7) Gerald Comati handles project issues
- 8) Jim Bailard will handle technical issues along with Rick Reeves and Carl Triberg
- 9) Fiscal issues will be managed by Ventura County Auditor Office and Gerald Comati

Michael Ledbetter asked where the records are. Ready stated they are in the basement storage at County and in his own office. Gerald and Brian both need access. Ledbetter considers this a priority. A proposal to have a permanent secretary needs to be priority as well. Political interfacing with director, phones, e-mails is a necessary component for BEACON. Brennan stated that funds are set aside to hire a secretary. Kevin urges member agencies to be more actively involved in BEACON. All agencies need to participate more – and should provide a liaison person from every member agency. Naomi thanked Brian and Kevin for their contributions.

Gerald: Contract management oversight with SBCAG. He is a sub consultant. What is his workload with additional responsibilities? His workload is reduced next year due to less construction.

Kevin: We have administrative costs within the grants. Most grants have a small proportion (5%) that can be used for administrative costs. Other grants don't allow executive management costs. We pay for legal counsel. Kevin stated that grant funds have enhanced the programs. We will continue to apply and receive State grants.

John Sharkey: Stated that he is happy with the executive director transition. Volunteers will be compensated to some extent. We need to receive more assistance from Ventura. The Watershed Protection District should be more involved. How is relationship with BEACON and Matilija? How is coalition going? There is a meeting next Tuesday. Brian has been directly involved. We are reaching a sensitive area with Army Corps of Engineers. Kevin is to be commended for his energy on behalf of BEACON and we thank him for that.

Kevin: RE: Matilija project. BEACON carried out the contract given to us by Watershed Protection given by Federal National Fish and Wildlife foundation. Per Gerald, we have no funding with Fish & Wildlife and we would like to start Phase Two. How? We're still working on funding issues.

Steve Bennett: Per Reeves' request for staff, what would be helpful is if there were specific work requests and estimated hours to budget for. We need more formal requests. Staff already has allocated hours for other tasks.

Kevin: in kind cost and contributions can be very helpful. BEACON, consultants – entire federal costs will be covered. Local agency can do it for feds; we get benefit for full costs. For Coastal CA study, we will need to do this to help all members.

Board of Directors names are missing and name executive officer needs to be on letterhead. ACTION: Motion by Brian Brennan – Executive Director to be Brennan. Motion seconded. Kevin would be secondary signer. Gerald as contract management may occasionally sign. Schwartz motion adopts resolution appointing executive director, second. Brennan abstained. Unanimous vote.

Brennan: During off meeting months the technical committee meets.

ITEM 6: **Budget.** 2003-2004 budget:

a. **Status of Fiscal Year 2003-04 Budget**

Gerald discussed the budget. A report was distributed to all. Ventura County Budget manager Mercy Griego: 2.7 million prior year fund balance. Columns explained.

Naomi. asks: Biltmore Butterfly beach on hold: will continue to show up as revenue. Not to be projected as revenue per Mercy.

Zaragoza: All dues collected from all member agencies? – Yes per Mercy. Any further questions call or e-mail John and he will find out the answers.

**Gerald: Budget forecast:**

The purpose is to cover BEACON anticipated costs and revenues next year. Dues are in the general fund. All other revenues come from specific projects, Goleta Beach Mgmt, sedimentation study, and various others.

Two items (get from report)

General fund rollover - \$12,000 rolls over into next years. \$126,000, which can be used for next year for admin and tech. Oversight. Covers Gerald, Jim Bailard, Kevin.

Refer to revenue. \$126K local budget. \$12k is reserve. SCCBEP

Where is money going?

Executive Director funds of \$8K as previously allocated could be used for secretarial services and for Brian. The funds must come out of the General Fund.

Per Naomi - Cal Coast costs is \$3K? Membership dues a misnomer per Naomi

Where would go Matilija funding come from: Flynn: BEACON's role is necessary even though pro bono. First phase Matilija is done, the 2<sup>nd</sup> phase cannot be executed until funding becomes available.

What projects are being delayed due to lack of funding?

Matilija never had funding per Gerald. Kevin explains, 58K used to do first phase, \$74K needed, we don't have the money and that is what has delayed the project.

Lobbying efforts will be discussed later (\$10k). Howard Marlow in Washington has agreed to do the lobbying. Marlow will be worthwhile. At the June meeting we will approve the expenditure. He

understands the situation we have to deal with to obtain funding. Marlow can accomplish many very important things for us.

Per Brennan: Marlow is an interesting person. The 10K very well spent. He is an ongoing resource and a specialist. He knows who to go to regarding beach erosion.

Kevin: Per Revenue: We went to Congress re \$500K request. SCCBEP to be funded. 227 projects, California Coastal projects.

Gerald: SCCBEP capitol: We requested \$500,000.

### **Budget Issues for Fiscal year 2004-05**

Das Williams: Public relations budget? Can money be saved? Kevin: Website, e-mail, and road show are necessary to help BEACON appear more high profile.

Is the budget audited? Can money be saved? We have 2-year contract with auditor. Can we allocate less? We'll look into that. \$2,500 paid per year. The cost may be lower in future.

Naomi: June 11 date for the next meeting may present a conflict as the County budget hearings will be held that week. I will not know until the day before how much of the day will be needed at the County hearings.

Brennan: We may pick out another date. We can get answers re budget. E-mail me.

Zaragoza: New make-up of board will require new e-mail addresses and phone numbers to be compiled and printed for us as well as placed on the Website.

Flynn: Would it be appropriate to have Brian Brennan write a letter to County of Ventura to ask about the status of Phase 2 Matilija Funding. The letter should be directed to the CEO and Jeff Crad, of the Watershed Management District.

Conceptual approval? Action. Motion: to receive and file budget Zaragoza, seconded by Sharkey-unanimous consensus vote.

### **ITEM 7. Army Corps Section 227 Project, Oil Piers Reef:**

Carl: ASR from Zealand hired. A presentation was given. BEACON to enter into a memorandum of understanding. Approval required regarding the reef. Project 100% completed. They want a memo of understanding signed.

1. Liability re surfers possibly getting heard. How to deal with that. Surfriders has been asked and appears OK. Kevin says: Assumption of the risk applies. Kevin not worried about assuming great risk re putting in reef liability-wise. Cost in maintenance undetermined. Schwartz: It is my understanding there is no budget. Raising issue due to other types of coastal structures, if something is beyond maintenance, how is it dealt with?

2. Removal of reef would cost \$200K. Feds to pay if deemed necessary. Currently reviewed by Senate. If current bill signed, BEACON could request plus out language to pay for removal and alleviate BEACON from paying for removal.
3. Maintenance of reef – Project is going to be given to BEACON when deemed complete. Unknown future costs once the project passed over to us.

Sign MOU or not today?

227 program with requests being made through letter from lawyer to coastal access program. Executive director to discuss with CORE liability issues. To go ahead then?

Schwartz: Is there a possibility for money on maintenance? Carl: Higher amounts would be hard to deal with. \$2M demonstration project. No obligation that surfing reef would always be there. There is no way to predict future costs.

Susie: Permitting means we are working closely with all resource agencies; the Coastal Commission and State lands. We are working hand in hand with CORE to incorporate them into the monitoring program.

Warner bill: Extending date for section 227 is important as it relates to removal and adaptive management.

Schwartz: Hazardous substance concerns re oil rigs? Carl: reef is slightly offset. CORE feels no hazardous problems. No issue at the moment. Site remediated. Potential to disturb underground oil site limited.

Kevin: Mobil Oil is the responsible party under CERCLA. \$100,000 is still on the table for access. Boilerplate language between Feds and local agencies. Reef is outside from where wells were. If Mobil's obligation has been met, then they're out of it.

Under Paragraph 7, we need to address concerns and adjust language. Staff to pursue the plus out option, request from attorney to Mobil. Action: Williams motions, authorize entering MOU with Army Corps Jonny seconds. Many questions cannot be answered today. Have concerns re hazardous materials and surfers. When removal occurs especially. We need more information. Don't know status of permits, no accurate costs since no information and don't know the outcome of proposed legislation. No funds are available. Jonny doesn't think motion can be passed today. Need more info on status of permits, cost info, outcome of Federal legislation proposal, liability, maintenance and removal.

Public Comment: If more is found, Mobil 100% responsibility. WE would not be the owner under CERCLA if BEACON would work on removal. BEACON would not be responsible.

Wants authorize MOU, for executive director to pass this motion

MOU paragraph re investigative costs in controversy?

Kevin: This is standard Federal Government. Clause in a federal contract. It's canned because it's important to us. State lands commission is the owner of the reef. Mobil could be long-term

responsible. If during, the course of our contract, we find out there is some CERCLA issue to be investigated, then between the FED and BEACON, we're responsible. Mobil and landowner will be responsible for investigative costs. Kevin is not concerned re future problem due to reef not being into drill site.

Ledbetter: not concerned re legal clauses. Familiar with CERCLA. Unrefined petroleum products not considered hazardous waste. He is comfortable with the motion.

This p.m. we need to create a draft on MOU. We do have time. We would have delays re permitting if waiting in June. Carl wanted to draft letter to CORE. CORE gives to BEACON when deemed complete. It's sort of a one-sided decision when it's complete. CORE will convene coordination team with BEACON staff. If team could do that prior to BEACON accepting the project, a lot of these unanswered questions could be answered and the problem avoided. Revised MOA. Schwartz cannot vote for it today. Wants information re furthering investigation re hazardous substance clause. This is a unique opportunity for BEACON re owning this reef.

Susie: The time to actually make comments on MOA time short. The urgency is that whatever comments are made need to get to Carl who in turn needs to get those to headquarters counsel for review. Changes need to go through another whole process. We need to try to address all concerns and revisions now.

Jonnie: I am much more concerned re liability. Carl said to proceed with letter this afternoon and that way we would not have to take action at this meeting and perhaps could address it and vote in June.

Substitute motion: Williams wait until June. Seconded and voted unanimously.

Susie: The permitting issue may not be resolved in June.

Motion to authorize executive director liability issues and direct staff letter to Mobil re \$100K. Flynn makes motion for Carl to write letter. Seconded and passed.

#### **ITEM 8: Coast of California Storm and Tidal Wave Study:**

Kevin: Tidal wave study. Still concerned re no funding on far end out of this. Have worked out understandings re funding re state funding. We will be short of funds in 4<sup>th</sup> and 5<sup>th</sup> year. May work it out with member agency participation. We may get credit for full amount. Funding from State, \$600K, we asking Board approve 5-year plan. Emergency services along coast, planning zoning. All beach replenishment. \$1.3 million in costs.

#### **ITEM 9: Coastal Sediment Management Master Plan Project:**

Brennan: Sediments issues. Some requests re information have been made on this issue. We can combine this with actual recommendation regarding the regional sediment plan.

Gerald: 1. Continuation of the SCCBEP project.  
2. Specific sediment study

Motion made by Schwartz, seconded by Wallis. Motion passed.

**ITEM 10. Executive Director's Report and Communications**

Kevin highly appreciated the opportunity of the last four years for BEACON and appreciated doing the work. Rose said he made tremendous difference to BEACON.

June 11 date problem: budget hearing, can be pushed back a week June 4, 2004. An Executive decision will need to be made. Carl, needs to change website.

11. **Adjourn** to next regular meeting, June 11, 2004 at 9:00 a.m. in Carpinteria City Hall.

End of Agenda Items

Minutes respectfully submitted by Candace Garner,  
Secretary to Kevin Ready, Executive Director, B.E.A.C.O.N.

**12. California Coastal Sediment Master Plan Workshop-11:00 a.m.**